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Attorneys for Defendant  
Unifund CCR Partners

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ASIF A. SIAL, an individual,

Plaintiff,

vs.

UNIFUND CCR PARTNERS; and  
DOES 1 through 10 inclusive,

Defendants.

CASE NO.: 08-CV-0905 JM CAB

**EX PARTE APPLICATION OF  
DEFENDANT UNIFUND CCR  
PARTNERS FOR PERMISSION  
TO APPEAR TELEPHONICALLY  
AT ENE CONFERENCE**

Date: August 8, 2008

Time: 2:00 p.m.

Room: 1131

The Honorable Cathy Ann Bencivengo

1 Defendant Unifund CCR Partners (“Unifund”) submits the following *Ex*  
2 *Parte* Application For Permission to Appear Telephonically at the Early Neutral  
3 Evaluation Conference.

4  
5 **EX PARTE APPLICATION**

6 Unifund’s representative with settlement authority is located in Ohio, and it  
7 would place an undue burden on Unifund to fly that representative across the  
8 country to attend the conference in person. For this reason, Unifund seeks  
9 permission from the Court to appear telephonically at the Early Neutral Evaluation  
10 Conference on August 8, 2008 at 2:00 p.m. Counsel for Unifund will appear in  
11 person and would have Unifund’s representative on telephone standby for the  
12 duration of the conference. Counsel for Plaintiff has stated that he does not  
13 consent to this request.

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15 **MEMORANDUM IN SUPPORT OF APPLICATION**

16 Pursuant to the Court’s Order of June 30, 2008 setting this action for an  
17 Early Neutral Evaluation Conference. Unifund respectfully requests that its  
18 representative be permitted to appear by telephone at the ENE conference.  
19 Counsel for Unifund will appear in person.

20 Unifund takes its obligations under the Court’s ENE order seriously, and it  
21 intends to participate in good faith in the ENE conference in order to resolve the  
22 action. However, Unifund’s representative with settlement authority is located in  
23 Cincinnati, Ohio. It would place an undue burden of time and expense on Unifund  
24 to fly the representative across the country to attend the conference in person.  
25 Unifund’s representative would remain available by telephone, even after normal  
26 business hours, until released by the Court.

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1 Based on the foregoing, Unifund respectfully requests that it be permitted to  
2 attend the ENE session by telephone while its counsel attends in person.

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4 DATED: July 3, 2008

SIMMONDS & NARITA LLP

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6 By: s/Michael R. Simmonds

7 Michael R. Simmonds  
8 Attorneys for Defendant  
9 Unifund CCR Partners  
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1 **PROOF OF SERVICE**

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3 I, Michael R. Simmonds, hereby certify that:

4 I am employed in the City and County of San Francisco, California. I am  
5 over the age of eighteen years and not a party to this action. My business address  
6 is 44 Montgomery Street, Suite 3010, San Francisco, California 94104-4816. I am  
7 counsel of record for defendant Unifund CCR Partners in this action.

8 On July 2, 2008, I caused the ***EX PARTE APPLICATION OF***  
9 **DEFENDANT UNIFUND CCR PARTNERS FOR PERMISSION TO**  
10 **APPEAR TELEPHONICALLY AT ENE CONFERENCE** to be served upon  
11 the parties listed below via the Court's Electronic Filing System:

12

13 **VIA ECF**

14 Jeremy S. Golden  
15 [jeremy@efaganlaw.com](mailto:jeremy@efaganlaw.com)  
Counsel for Plaintiff

16 I declare under penalty of perjury that the foregoing is true and correct.  
17 Executed at San Francisco, California on this 2nd day of July, 2008.

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20 By: s/Michael R. Simmonds  
Michael R. Simmonds  
21 Attorneys for Defendant  
Unifund CCR Partners

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